REMARKS

The Examiner rejected all pending claims under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0046053 to Hare *et al.* in view of U.S. Patent No. 5,596,752 to Knudsen *et al.*

With respect to claim 1, the Examiner stated:

"Hare discloses a method of generating a function, the function for assessing a parameter, the parameter method comprising:
* displaying a field for receiving a rule on a computer (paragraph 0026);
* entering a rule into the computer (paragraphs 0026 – 0027);
* transmitting the rule to a server (paragraphs 0026 – 0027);
* storing the rule on the server (paragraphs 0026 – 0027); and
* generating a function for assessing the parameter (paragraph 0043 – 0044).
However, Hare does not explicitly disclose:
* the rule including the parameter, a parameter operator and a parameter value."

Applicants respectfully submit that Hare *et al.* does not disclose any of the above elements.

Displaying a Field for Receiving a Rule/
Entering a Rule into a Computer

The Examiner stated that paragraph 0026 of Hare *et al.* discloses "displaying a field for receiving a rule on a computer" and that paragraphs 0026 and 0027 disclose "entering a rule into the computer." Paragraph 0026 of Hare *et al.* states, in pertinent part:

"The next step in the process will be the data entry step 12, described more fully below, and generally requiring the input of data to the system for storage in the databases of the system for future reference, analysis, and calculations. iSolve processing occurs at step 13 and involves the use of the iSolve engine in order to examine the input data stored in the database for analysis and for identification of the financial risks associated with the profile of the user as indicated by the data entered, as well as for identifying financial products to provide solutions for such risks. "

Paragraph 0027 of Hare *et al.* states, in pertinent part:

"User data is entered to Profiler 25 through the GUI and stored on one or more databases 28a, 28b, 28c, 28d, etc., from where the data will be accessible to the iSolve and QSolve engines."

Thus, paragraphs 0026 and 0027 of Hare *et al.* only disclose receiving "data." They do not disclose receiving a "rule." As the Examiner may be aware, the ordinary meaning of the term "data" in the computer arts is the "meaning of an item of information."[1] On the other hand, the ordinary meaning of the term "rule" in the computer arts is "a statement that can be used to verify premises and to enable a conclusion to be drawn."[2] For example, data could include "red," "yellow," and "green." Similarly, a rule could include "if automobile color = red, then value = 100."[3] The premise of the above rule is "if automobile color = red." The conclusion is "then value = 100." Applicants respectfully submit that paragraphs 0026 and 0027 of Hare *et al.* do not disclose displaying a field for receiving a rule on a computer. Similarly, those paragraphs do not disclose entering a rule into a computer.

Transmitting a Rule to a Server/
Storing a Rule on a Server

The Examiner stated that paragraphs 0026 and 0027 of Hare *et al.* disclose "transmitting the rule to a server" and "storing the rule on the server." Paragraphs 0026 and 0027 of Hare *et al.* state, in pertinent part:

> "The next step in the process will be the data entry step 12, described more fully below, and generally requiring the input of data to the system for storage in the databases of the system for future reference, analysis, and calculations. iSolve processing occurs at step 13 and involves the use of the iSolve engine in order to examine the input data stored in the database for analysis and for identification of the financial risks associated with the profile of the user as indicated by the data entered, as well as for identifying financial products to provide solutions for such risks. "

Paragraph 0027 of Hare *et al.* states, in pertinent part:

> "The web site 23 is hosted on a server 24 that supports the GUI for data entry to the Profiler 25 as well as the iSolve and QSolve engines 26 and 27 respectively used for data analysis, identification of financial products and price quotations. User data is entered to Profiler 25 through the GUI and stored on one or more

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[1] *Microsoft Computer Dictionary, 5th Edition (2002).*
[2] *Id.*
[3] *Specification*, pg. 6, ln. 11.

databases 28a, 28b, 28c, 28d, etc., from where the data will be accessible to the iSolve and QSolve engines."

For the same reasons discussed above, paragraphs 0026 and 0027 of Hare *et al.* only disclose transmitting data to a server and storing the data on the server. They do not disclose transmitting a rule to a server or storing a rule on a server.

Generating a Function for Assessing a Parameter

The Examiner stated that paragraphs 0043 and 0044 disclose "generating a function for assessing the parameter." Paragraph 0043 of Hare *et al.* states, in pertinent part:

"The iSolve processing step 13 is based upon the data entry step 12 and the user Profile which is generated by that processing step."

Paragraph 0044 of Hare *et al.* states, in pertinent part:

"After the profile process of step 12 is completed the iSolve1 step 41 is the computational process resulting in the generation of indicators (discussed below). These indicators are then used at the iSolve2 step 51 (the second phase) for the generation of quotations or prices for the possible purchase of financial products to mitigate the assessed risks. . . . . This will automatically result in recalculation of the indicators at step 41 and regeneration of quotations at step 51."

Thus, paragraph 0043 of Hare *et al.* discloses generating a user profile. Similarly, paragraph 0044 of Hare *et al.* discloses generating indicators, quotations and prices. However, neither paragraph 0043 nor paragraph 44 of Hare *et al.* disclose generating a function. As the Examiner may be aware, the ordinary meaning of the term "function" in the computer arts is "a general term for a subroutine" or "a subroutine that returns a value."[4] Paragraphs 0043 and 0044 of Hare *et al.* do not disclose the generation of a function.

In addition, those paragraphs do not disclose the generation of the specific function claimed in claim 1, *i.e.*, "a function for accessing the parameter." Applicants are confused by the Examiner's statements regarding this element. First, the Examiner states that paragraphs 0043 and 0044 disclose "generating a function for assessing the parameter." Then, the Examiner states:

"Hare does <u>not</u> explicitly disclose:

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[4] *Microsoft Computer Dictionary, 5th Edition (2002).*

- the rule including the parameter, a parameter operator and a parameter value."

Applicants do not understand how Hare *et al.* can disclose a function <u>for accessing a parameter</u> when the Examiner admits that Hare *et al.* does not disclose the parameter. Applicants request that the Examiner clarify her statements regarding this element so that Applicants can be afforded a fair opportunity to respond.

Knudsen

The Examiner stated:

"Knudsen discloses a system for creating, editing, displaying and executing rule based programming language rules including:
- the rule including the parameter, a parameter operator and a parameter value . . .."

Applicant agrees that Knudson discloses a programming language that includes rules and that those rules can include a parameter, a parameter operator, and a parameter value.

The Examiner stated the following regarding the combination of Hare *et al.* and Knudsen:

"Given the teaching of Knudsen, it would have been obvious to one of ordinary skill in the art to modify Hare by identifying parameters of data that is [sic] inputted by the [sic] user in order to execute rule conditions according to the parameters and return the results of the rule conditions in a timely and efficient and [sic] manner."

Applicants do not believe that the Examiner has presented a proper basis for combining Hare *et al.* with Knudson. As the Examiner is aware, Section 706.02(j) of the MPEP states that one of the requirements for a *prima facie* case of obviousness is "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine reference teachings." The Examiner stated that the motivation to combine the two references is "in order to execute rule conditions according to the parameters and return the results of the rule conditions in a timely and efficient and [sic] manner." Applicants submit that the Examiner's stated standard for combining unrelated references does not comply with MPEP 706.02(j).

The Applicants do not understand if the Examiner alleges that Hare *et al.* provides a motivation to combine Hare *et al.* with Knudsen or if the Examiner alleges that the knowledge generally available to one of ordinary skill in the art would provide the motivation to combine.

Regarding whether Hare *et al.* provides a motivation to combine Hare *et al.* with Knudsen, Applicants do not believe that Hare *et al.* provides any such motivation. If the Examiner is aware of any statement within Hare *et al.* that indicates that sending data to a server can be combined with a programming language to send rules to a server and to generate functions, *i.e.*, subroutines, based on the received rules, Applicants request that Examiner provide Applicants with that statement.

Regarding whether the knowledge generally available to one of ordinary skill in the art provides a motivation to combine Hare *et al.* with Knudsen, Applicants are not aware of any such knowledge. If the Examiner is aware of any such knowledge, Applicants request that the Examiner indicate the source of the knowledge so that Applicants have a fair opportunity to provide a proper response.

Applicants understand that users transmit data to web servers on a routine basis. Similarly, Applicants understand that programmers routinely utilize rules to create functions, *i.e.*, subroutines. However, Applicants are not aware of any teaching, whether in the cited prior art or otherwise that indicates that sending data to a server can be combined with a programming language to send rules to a server and to generate functions, *i.e.*, subroutines, based on the received rules. Sending data, such as "red," "yellow" or "green," to a server is very different from sending a rule to a server. Conventional servers are designed to receive and process data. They are not designed to receive and process rules. Thus, unless the Examiner can identify a document that provides such a teaching to combine the programming arts and server arts, as discussed above, Applicants submit that claim 1 is allowable.

For at least the above reasons, Applicants respectfully submit that claim 1 is allowable over the art of record. Similarly, Applicants submit that claims 2 – 19, each of which depend (directly or indirectly) from claim 1 are allowable over the art of record.

Claims 20 – 24

The Examiner rejected claims 20-22 for the identical reasons that she rejected claim 1. Thus, for the same reasons discussed above with respect to claim 1, Applicants respectfully submit that claims 20-22 are allowable over the art of record. Similarly, Applicants submit that claims 23 – 24, which depend from claim 22, are likewise allowable.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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